

**IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
TRIAL**

CASE NO.: 08-00004

DATE: June 27, 2008

HON. FRANCES M. TYDINGCO-GATEWOOD, Chief Judge, Presiding

Law Clerk: Sara Weber

Court Reporter: Wanda Miles

Courtroom Deputy: Carmen B. Santos

Electronically Recorded: 9:21:15 - 10:25:31
10:46:48 - 12:02:40
1:26:29 - 3:04:58
3:28:29 - 4:20:47

APPEARANCES:

Defendant: Eun Young Lee
Marcelino Laserna
John Duenas
Mary Garcia
Joseph Pangelinan
Francisco Kawamoto
Margaret Untalan

Attorney: Richard Arens
Mark Smith
Cynthia Ecube
Leilani Lujan
Louie Yanza
Stephanie Flores
Rawlen Mantanona

☒ Present ☐ Custody ☐ Bond ☐ P.R.

☒ Present ☒ Retained ☒ FPD ☒ CJA

U.S. Attorney: Karon Johnson

U.S. Agent: K. Klocke, FBI

U.S. Probation: None Present

Interpreter: Sung Woo Yoon

Language: Korean

PROCEEDINGS: Jury Trial - Day 15

- Witnesses sworn and examined; exhibits marked and admitted - see attached Exhibit and Witness List, AO Form 187 (and 187a, when applicable).
- Court addressed each defendant individually as to their waiver of right to confront agent. Each defendant informed the court of his/her decision to waive his/her right to confront the prosecutor's witness who is unavailable.
- Exhibit 14 objections made. Court rules the admission of Exhibit 14 with the exception of the removal of its title. Exhibits 2, 3, 6 and 13 remain admitted.
- Parties stipulate as to the immigration status of the licensees listed on Exhibit 14 - all were illegal aliens at the time the applications were entered as reflected on Exhibit 14.
- Government rests its case in chief. Government intends to file a memorandum at the conclusion of its case.
- Defense ready to file its Rule 29 motion. Defense to present its case in chief 6/30/2008.
- Jury Trial (Day 16) continued to: June 30, 2008 at 8:30 AM.

NOTES:

Jurors instructed to report for duty by 9:45 a.m., 6/30/08.

PRESIDING JUDGE FRANCES M. TYDINGCO-GATEWOOD						PLAINTIFF'S ATTORNEY KARON JOHNSON	DEFENDANT'S ATTORNEY RICHARD ARENS, MARK SMITH, CYNTHIA ECUBE, LEILANI LUJAN, LOUIE YANZA, STEPHANIE FLORES, RAWLEN MANTANONA
HEARING DATE (S) JUNE 9, 10, 11, 12, 13, 2008 JUNE 16, 17, 18, 19, 20, 2008 JUNE 23, 24, 25, 26, 27, 2008						COURT REPORTER WANDA MILES	COURTROOM DEPUTY CARMEN B. SANTOS
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
						132:42 - Witness Agent Klocke seated	
						1:33:03 - Jurors seated	
						1:33:28 - Continued DX by Ms. Johnson	
	14		6/27/08	6/27/08		Summary chart of license applications accepted by defendants between 2/20/04 and 1/25/05 showing applicant, driver's license number, ITIN, IRS report of each ITIN status, address on application, examiner, time and date application was entered into the MVD computer, date of written test, date of issuance of license **updated 6/25/08 - Summary chart of license applications accepted by defendants between 2/20/04 and 11/28/05 showing applicant, driver's license number, ITIN, IRS report of each ITIN status, address on application, time and date application was entered into the MVD computer, date of written test, date of issuance of license; offered by the Government (Agent Klocke)	
						1:45:54 - Voir Dire by Ms. Ecube in aid of an objection	
	14-1 14-2		6/27/08	6/27/08		**updated 6/25/08 - Summary chart of license applications accepted by defendants between 2/20/04 and 11/28/05 showing applicant, driver's license number, ITIN, IRS report of each ITIN status, address on application, time and date application was entered into the MVD computer, date of written test, date of issuance of license; offered by the Government (Agent Klocke)	
	6-3		6/16/08	6/27/08	6/16/08	License exam history files, sorted by record key, offered and admitted without objection (Christine San Agustin)	
						2:14:54 - Voir Dire by Mr. Smith in aid of an objection	
	6-2		6/16/08	6/27/08	6/16/08	License exam history files, sorted by record key, offered and admitted without objection (Christine San Agustin)	
	14-1		6/27/08	6/27/08		**updated 6/25/08 - Summary chart of license applications accepted by defendants between 2/20/04 and 11/28/05 showing applicant, driver's license number, ITIN, IRS report of each ITIN status, address on application, time and date application was entered into the MVD computer, date of written test, date of issuance of license; offered by the Government (Agent Klocke)	
						2:39:06 - Voir Dire by Ms. Lujan in aid of an objection	
	14-1		6/27/08	6/27/08		**updated 6/25/08 - Summary chart of license applications accepted by defendants between 2/20/04 and 11/28/05 showing applicant, driver's license number, ITIN, IRS report of each ITIN status, address on application, time and date application was entered into the MVD computer, date of written test, date of issuance of license; offered by the Government (Agent Klocke)	
						2:46:48 - Voir Dire by Mr. Arens in aid of an objection	
	14		6/27/08	6/27/08		**updated 6/25/08 - Summary chart of license applications accepted by defendants between 2/20/04 and 11/28/05 showing applicant, driver's license number, ITIN, IRS report of each ITIN status, address on application, time and date application was entered into the MVD computer, date of written test, date of issuance of license; offered by the Government (Agent Klocke)	
						Re-DX by Ms. Johnson	
						3:01:10 - Re-CX by Ms. Ecube - voir dire in aid of objection	
						3:04:58 - 3:28:29 - Afternoon recess	
						3:32:48 - Jurors seated	
						3:32:55 - Re-CX by Mr. Smith - voir dire in aid of objection	
						3:39:54 - Court discussion and ruling on admission of Exhibit 14 - Court admits Exhibit 14 with the exception of the removal of the caption "Timeline for § 1028 Defendants"	

PRESIDING JUDGE FRANCES M. TYDINGCO-GATEWOOD						PLAINTIFF'S ATTORNEY KARON JOHNSON	DEFENDANT'S ATTORNEY RICHARD ARENS, MARK SMITH, CYNTHIA ECUBE, LEILANI LUJAN, LOUIE YANZA, STEPHANIE FLORES, RAWLEN MANTANONA
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						3:49:06 - Witness Richard Flores called and sworn	
						3:49:09 - DX by Ms. Johnson; parties stipulated that all licensees listed on Exhibit 14 were illegal aliens at the time the applications were entered.	
						3:58:51 - Witness excused	
						3:59:39 - Government rests its case in chief; defense to present case on Monday, 6/30/08	
						4:20:47 - End day 15	